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May 3, 2021

***Via ECF***

Hon. Naomi Reice Buchwald, U.S.D.J.  
United States District Court, S.D.N.Y.  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Courtroom 21A  
New York, NY 10007-1312

Re: Request for Leave to File a Late Motion to Reargue  
Case No.: 1:21-cv-01791(NRB)—Rachel Filsoof v. Andrew J. Cole  
Client No: 1272-1001

Dear Judge Buchwald:

This office represents the defendant in the referenced case. In my initial review, I noted an Order that was granted on April 6, 2021. See ECF Docket No. 20. Since I was retained more than 14 days after the Order was granted, I would like the opportunity to reargue and respectfully request leave to submit a late motion to reargue pursuant to Rule 6.3 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.

The reason for this request is that, as I understand it, my client, who was *pro se* at the time, did not know that he was subject to such an order. Suffering such an order was unexpected to him especially in light of the fact that this order is duplicative of the California temporary order of protection and therefore, he was at a loss as to why it would even be needed or required. He should be provided with the right to argue that an additional order is unnecessary. As a layperson, he did not understand the consequences of not mounting a defense.

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Furthermore, it must be noted that defendant is vigorously defending himself in the criminal cases which arise out of the same allegations as those “presented” here and is innocent until proven guilty. It is notable that I cannot find evidence of a New York temporary order of protection in connection with New York criminal contempt case. I think that fact should be considered in whether this additional order of protection should stand.

In the event that the Court is not inclined to provide leave to file a late motion, respectfully, it is important for this letter to be on the record to note Mr. Cole’s objection to the order entered while he was still *pro se* and did not have an understanding as to the proceedings.

If the Court has any questions or concerns or would otherwise like to discuss this matter, please let us know and we can make ourselves available. We thank the Court, in advance, for its consideration.

Respectfully submitted,

FARBER SCHNEIDER FERRARI LLP



By: \_\_\_\_\_  
Daniel J. Schneider

cc: John P. Bostany, Esq. (via email and ECF)